



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,838	06/11/2001	Marcel Aeschlimann	FRR/12507	9776

40854 7590 05/10/2004

RANKIN, HILL, PORTER & CLARK LLP  
4080 ERIE STREET  
WILLOUGHBY, OH 44094-7836

EXAMINER
----------

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
----------	--------------

2171

12

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/831,838

Applicant(s)

AESCHLIMANN ET AL.

Examiner

CamLinh Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendments to the drawing are acknowledged. Consequently, the drawings were received on 04/13/2004, and were acceptable.
2. Applicant's amendments to the abstract are acknowledged. Consequently, objection to the abstract is withdrawn.
3. Applicant's amendments to claims 1 – 23 are acknowledged. Consequently, rejections to claim 1 – 23 under 35 U.S.C 112, first paragraph, and 35 U.S. C 101 are withdrawn.
4. Applicant's amendments to the specification are acknowledged. Consequently, objection to the specification is withdrawn.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Huttunen et al (U.S. 6,356,761).

♦ As per claims 1,16,

Huttunen et al discloses a method for the acquisition of information from at least one database managed by a computer with a search engine, wherein from a user terminal that cooperates with substantially stationary transmitting stations of a communication network, an information request is established, wherein the information request is transmitted to the computer and wherein the computer selects and/or organizes information from the database and transmits it to the user terminal, comprising:

- “Providing the information stored in the database with location attributes” See Fig. 1, element 10, and 14, in particular:
  - ‘The database’ corresponds to the database in 10 and 14, col. 5, lines 5 – 18.
  - “Location attributes” corresponds the location information that the mobile terminal registered to the databases such as location area code identifying the location area (col. 5, lines 48 – 50.
- “ Determining location data defining the location of the user terminal based on at least one of the identify or the location of a transmitting station of the communication network” See Fig. 9, element 104, col. 9, lines 3 – 10.

Art Unit: 2171

- "Transmitting the information request to the computer together with location data defining the location of the user terminal" See Fig. 9, element 106 - 110, col. 19, lines 11 – 43, wherein:
    - "Information request" corresponds to the query that being transmit through the mobile network
    - "Location data" corresponds to the "location information" that defined the location of user terminal.
  - "Correlating the location data and location attributes for selecting and/or organizing the information" See col. 9, lines 32 – 35.
- ♦ As per claims 2, 17, Huttunen discloses:
- " The user terminal is mobile and the user terminal generates or acquires the location data and transmits these to the computer" See Fig. 1 element 12, col. 7 lines 65 – col. 8 lines 6.
- ♦ As per claims 3 - 6, 18 – 19, Huttunen discloses:
- "The user terminal for generating or acquiring the location data contacts at least one transmitting station of the communication network" See Fig. 1. in particular:
    - The "transmitting station" corresponds to the Base station 8 that includes base station controller 6, col. 5, lines 1 – 5.
    - "The communication network" corresponds to the mobile network 28, col. 4, lines 65 – 67.

Art Unit: 2171

- Since the user terminal is mobile, therefore, the data defining the location of transmitting stations is automatically transmitted in dependence upon the location of the user terminal.
- ♦ As per claims 7 - 8, 20, Huttunen discloses:
  - "The data defining the location of transmitting station is transmitted to the user terminal through a service channel". See col. 9, lines 11 – 20, Fig. 10, col. 9, lines 44 - 67.
- ♦ As per claims 9 – 10, 21 – 22, Huttunen discloses:
  - "Data relating to the transmission characteristics are recorded and is utilized for generating the location data", and " The recorded data is related to the signal transmit times" See Fig. 10, col. 9, lines 44 - 67.
- ♦ As per claims 11 - 14, Huttunen discloses:
  - "Additional search criteria are employed in addition to the determined location data" See col. 10, lines 16 – 20.
- ♦ As per claim 15, Huttunen discloses:
  - " Search criteria are entered on the user terminal" See col. 10, lines 16 – 20.
- ♦ As per claim 23, Huttunen discloses:
  - Because the mobiles terminal disclosed in Huttunen invention can be any type of mobile (col. 7 lines 65 – col. 8 lines 6), therefore, the communication network is a GSM-wireless network.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1- 23 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Tso et al (U.S. 6,047,327) discloses a system for distributing electronic information to a targeted group of users.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is 305-1951. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER